IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19935 of 2004

Between:

Sri B.Bhavani Rao HC-1709, Tr.P.S.,Malakpet,

Occupant of Police Quarter No.17,
Block No.1 of New Goshamahal police Lines, Hyderabad.

..... PETITIONER

AND

1 The Commissioner of police, O/o. The Commissioner of police

Lakdi-ka-pool, Hyderabad.
2 The Joint Commissioner of police, Administration-cum-Estate officer,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Certiorari or any other appropriate writ, order or direction, calling for the records pursuant to letter No.L&O/D2/ 420/2004 dated 23-9-2004 issued by the 2nd respondent and quash the same as being arbitrary, illegal and violative of natural justice in the interest of justice.

Counsel for the Petitioner: MR.B.V.V.S.MURTHY

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The petitioner is aggrieved by the order passed by the 2nd respondent - Joint commissioner of Police, Administration-Cum-Estate Officer, Hyderabad, dated 20-10-2004, where under in exercise of the powers conferred under Sub-Section (1) of Section 5 of the A.P.Public premises (Eviction of Unauthorised Occupant) Act, 1968, the petitioner was directed to vacate the premises, which is in his occupation.

Admittedly, against the said order dated 20-10-2004, an alternative remedy is available under the statute by way of an appeal to the Estate Officer. Without exhausting the said alternative remedy, the petitioner cannot maintain this writ petition.

Accordingly, granting leave and liberty to the petitioner to avail the alternative remedy as available under law the writ petition is dismissed.

However, having regard to the facts and circumstances of the case, there shall be a direction to the respondents to maintain status quo obtaining as on today as to the possession of the premises in question for a period of one week from today. No costs.

01-11-2004

Note: Issue C.C by tomorrow.

B/o.

vs

To

1 The Commissioner of police, O/o. The Commissioner of police

Lakdi-ka-pool, Hyderabad.

2 The Joint Commissioner of police, Administration-cum-Estate officer,

Hyderabad.

3 2CCs to the G.P for Home, High Court Buildings, Hyderabad(O.U.T).

4 2CD copies